

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s):	Fred S. Cook	Confirmation No:	9653
Serial No.:	09/909,445	Examiner:	Tan D. Nguyen
Filing Date:	07/19/2001	Group Art Unit:	3629
Title:	METHOD FOR PROVIDING COMMUNICATION SERVICES		

**Mail Stop: Appeal Brief - Patents
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450**

REPLY BRIEF

Introductory Comments

In response to the Examiner's Answer dated October 15, 2007 (hereinafter "the Examiner's Answer"), please consider the following remarks.

Remarks

Generally, the Examiner's Answer continues to equate the retail business cited in claim 1 with the Central Processing Facility (CPF) 10 of Fig. 1 of U.S. Patent No. 5,915,214 to Reece et al. (hereinafter "Reece"). Discussed separately below are several limitations of claim 1 mentioned in the "Response to Argument" portion of the Examiner's Answer that the Appellant respectfully contends are not taught or suggested in Reece.

At a Retail Business, Providing a Wireless Transceiver Device to a Customer of the Retail Business

The Examiner's Answer indicates that Reece teaches at column 5, lines 27-52, that the "CPF 10 is a facility that provides data processing equipment, telephone equipment, microwave communication equipment, etc., and may also be composed of a multitude of small distributed facilities forming a network instead of a single central facility, which reads over 'retail business.'" (Page 10 of the Examiner's Answer.) The Appellant respectfully disagrees. Reece specifically indicates that the CPF 10 "includes data processing equipment, telephone *switching* equipment, and microwave communications equipment." (Column 5, lines 32-36; emphasis supplied.) Thus, Reece does not teach or suggest that the CPF 10 provides telephones or types of wireless transceiver devices, or that such a device is provided to a customer of a retail business, much less that CPF 10 is itself a retail business.

The Examiner's Answer further indicates that "[a]lternatively, the selection of other terms to indicate a business facility for transacting business with service provider and customer, i.e., store, retailer, central facility, etc., would have been obvious to a skilled artisan, marketer, or business person, as mere selection of other similar or equivalent terms for the same function." (Page 10 of the Examiner's Answer.) Again, the Appellant respectfully disagrees, as the CPF 10 does not provide the same function as a retail business. Reece indicates that "[t]he CPF 10 serves as an information depot and switching facility" (column 5, lines 32 and 33), and that "[t]he CPF 10 also provides billing and payment services" (column 5, lines 36 and 37), but does not teach or suggest

that the CPF 10 is itself a retail business. More importantly, Reece does not teach or suggest providing a wireless transceiver device to a customer of the retail business at the retail business, as provided for in claim 1, and such indication is respectfully requested.

Receiving in the at Least One Location of the Retail Business a Request from the Wireless Transceiver Device for at Least One of a Plurality of Different Communications Services

The Examiner's Answer refers to column 3, lines 25-40, and especially column 7, lines 10-15, to show that Reece teaches or suggests this particular limitation. (Page 8 of the Examiner's Answer.) The Examiner's Answer also quotes from column 7 of Reece, which indicates that "connections between the CPF 10 and individual service providers also may be continuous or periodic in addition to being triggered by a request for service from a mobile communication device 14." (Column 7, lines 7-10.) However, Reece does not indicate that the request for service from the mobile communication device 14 is received at a location of a retail business, which the Examiner's Answer identifies as the CPF 10 of Reece. Instead, Reece indicates that the device 14 selects a service provider based upon information previously received from the CPF 10 and engages in registration and two-way communications with its selected service provider by way of the provider's base transceivers 16 and central control facility 18. (See Fig. 1, and column 6, lines 35-61.) In other words, the device 14 attempts communication directly with the service provider, and does not request service from the CPF 10. In response, "[e]ach service provider's control facility 18 may in turn establish communications ... with the CPF 10 via communication path 19 [of Fig. 1] to acquire additional information on the individual mobile communication device 14 that has requested connection with that provider." (Column 6, line 66, to column 7, line 4; emphasis supplied.) Thus, the CPF 10 of Reece does not receive a request for service for service from the device 14. Therefore, Reece does not teach or suggest receiving in the at least one location of the retail business a request from the wireless transceiver device for one of a plurality of different communication services, as provided for in claim 1, and such indication is respectfully requested.

At the at Least One Location of the Retail Business, Processing the Request for the at Least One of the Plurality of Different Communications Services

In light of the discussion above stressing that the CPF 10 of Reece does not teach or suggest *receiving* a request from a wireless transceiver device for at least one of a plurality of communication services, the Appellant respectfully contends that such a request also cannot be *processed* at the retail business location.

In response, the Examiner's Answer apparently asserts that Fig. 1 and the entire paragraph at column 4, lines 25-27, of Reece, show the processing of such a request. (Page 8 of the Examiner's Answer.) The Appellant respectfully disagrees. As described in that paragraph and others, Reece indicates that the CPF provides cost and service feature information to a user. (Column 4, lines 28-31; see also column 5, lines 43-52, and column 6, lines 21-23.) Based on this information, the user selects a communication service provider. (Column 4, lines 32-34.) Upon selection of the provider, the user's mobile device attempts to connect with the selected service provider via communications network base station transceiver 16. (Column 6, lines 44-48.) In response, *the selected service provider* requests and receives user status and identification information from the CPF. (Column 4, lines 34-36; see also column 6, line 66, to column 7, line 10.) A determination is then made as to whether users identified in the request from the service provider are currently engaged in a two-way wireless communication. (Column 4, lines 37 and 38.) If so, the requesting service provider is instructed to allocate a communication channel for the user, and the ongoing communication is transferred from the current service provider to the requesting service provider. (Column 4, lines 38-47.) Thus, any request received and processed at the CPF in Reece is received from a service provider to which the mobile device attempts to use for two-way communication. Thus, Reece does not teach or suggest processing a request for a communication service that was received from a wireless transceiver device, and such indication is respectfully requested.

In Response to Processing the Request, Providing the at Least One of the Plurality of Different Communication Services from the at Least One Location of the Retail Business to the Wireless Transceiver Device Over a Wireless Network

The Examiner's Answer further indicates that the same portion of Reece teaches providing the requested communication service from the location of the retail business to the wireless transceiver device over a wireless network. (Page 9 of the Examiner's Answer.) The Examiner's Answer also cites column 6, lines 35-45, and column 7, lines 10-20, of Reece. (Id.) As indicated above, Reece does not indicate in column 4, lines 25-47, that the two-way communications discussed therein are provided through the CPF, but are instead directly supplied to the mobile communication device directly from the selected service provider. Similarly, column 6, lines 35-45, describes how the mobile communication device analyzes information received from the CPF to select a service provider, as discussed above. This action occurs before the communication device begins registration with the selected service provider. Column 7, lines 10-20, discusses how the various service providers establish a connection with the CPF "to provide rates for different sub-regions within its system," which may be subsequently broadcast to the mobile communication devices to be used in the process of selecting one of the service providers. Thus, the Appellant respectfully contends that in none of these cases does Reece teach or suggest *providing* the requested service *from the retail business location* to the wireless transceiver device over a wireless network in response to processing the request *from the wireless transceiver device*, as provided for in claim 1, and such indication is respectfully requested.

Thus, given the foregoing, the Appellant reasserts that claim 1 is allowable in view of Reece, and such indication is respectfully requested.

Claims 2 and 4-11 depend from independent claim 1, thus incorporating the provisions of that independent claim. Thus, the Appellant asserts that claims 2 and 4-11 are allowable for at least the reasons provided above in support of claim 1, and such indication is respectfully requested.

Conclusion

In light of the foregoing remarks, the Appellant submits that the final rejection of claims 1, 2, and 4-11 is erroneous, and respectfully requests its reversal.

The Appellant believes that no fees are due with respect to this filing. However, should the Office determine that additional fees are necessary, the Office is hereby authorized to charge Deposit Account No. 21-0765 accordingly.

Respectfully submitted,

Date: 12/14/2007

/Kyle J. Way/

Kyle J. Way, Reg. No. 45,549
Setter Roche LLP
Telephone: (720) 562-2280
E-mail: kyle@setterroche.com

Correspondence address:

CUSTOMER NO. 28004

Attn: Melissa A. Jobe
Sprint Law Department
6450 Sprint Parkway
Mailstop: KSOPHN0312-3A461
Overland Park, KS 66251